

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ERNEST COOK,	)	CASE NO.: 4:22-CV-00077-BYP
	)	
Plaintiff,	)	JUDGE BENITA Y. PEARSON
	)	
vs.	)	<b><u>DEFENSE COUNSEL’S WITNESS AND</u></b>
	)	<b><u>EXHIBIT LIST FOR JULY 14, 2023</u></b>
TRUMBULL COUNTY	)	<b><u>HEARING</u></b>
COMMISSIONERS	)	
	)	
Defendant.	)	

Now comes counsel for Defendant and hereby identifies the following witnesses and exhibits it may offer at the July 14, 2023 hearing on Plaintiff’s Motion for Sanctions (ECF No. 43), as clarified (ECF No. 70). This disclosure is filed with the understanding that Plaintiff has abandoned her request for sanctions against Commissioner Frenchko in her official capacity and is seeking sanctions against: (1) “Ms. Niki Frenchko” and (2) Meyers, Roman, Friedberg & Lewis, based solely and entirely on the excerpted exchange that occurred on May 1, 2023 after Ms. Groedel terminated the deposition of Defendant’s 30(b)(6) witness (ECF No. 70).

**WITNESSES:**

1. Kathleen M. Minahan, counsel for Defendant Board of Trumbull County Commissioners

Ms. Minahan will testify that Commissioner Frenchko’s comment was unexpected and she was surprised by it. She will explain why the fact that the parties were off the record at the time of Commissioner Frenchko’s comment was legally significant and important to the legal interests of her client, the Board of Trumbull County Commissioners. She will testify that her objective was to de-escalate an unexpected confrontation to protect her client’s interests and that chastising the witness in front of opposing counsel was unlikely to accomplish that objective. Ms. Minahan also will

testify that when the sanctions motion was filed, she requested clarification from Ms. Groedel as to the intended targets to determine whether she had a conflict of interest defending Plaintiff's request for terminating sanctions against the Board. Ms. Minahan will testify that Ms. Groedel informed Ms. Minahan that she was only seeking sanctions against Commissioner Frenchko, individually and in her official capacity. Ms. Minahan will testify that she reminded Ms. Groedel of these assurances after Ms. Groedel filed a notice stating that she was seeking sanctions against Ms. Minahan's firm. Finally, Ms. Minahan will testify that she apologized via email that Ms. Groedel had been subjected to a crude and inappropriate comment from the deponent.

2. Caryn Groedel, counsel for Plaintiff Ernest Cook (as on cross-examination, only if Ms. Groedel disputes Ms. Minahan's testimony).

**EXHIBITS:**

1. Exhibit A -- Email exchange between counsel dated between May 4, 2023 at 2:50 p.m. to May 5, 2023 at 10:58 a.m.
2. Exhibit B -- Email exchange between counsel dated between June 15, 2023 at 8:51 a.m. to June 15, 2023 at 4:23 p.m.

Defense counsel also reserves the right to offer any exhibits or examine any witnesses identified by any other party.

Respectfully submitted,

MEYERS, ROMAN, FRIEDBERG & LEWIS

/s/ Kathleen M. Minahan

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*Counsel for Defendant Board of Trumbull County  
Commissioners*

**CERTIFICATE OF SERVICE**

A copy of the foregoing Defense Counsel's Witness and Exhibit List for July 14, 2023 Hearing was served this 29<sup>th</sup> day of June 2023 on all counsel of record via the Court's electronic filing system.

MEYERS, ROMAN, FRIEDBERG & LEWIS

/s/ Kathleen M. Minahan

Kathleen M. Minahan